THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 24432 OF 2004

28th January, 2006

Between:

Mahindra Nissan Allwayn Ltd.,

Rep. by its Asst. Manager (Operations)

Zaheerabad.

…..Petitioner

A N D

1. The Chief Commissioner of Land Administration,

Hyderabad and another

….Respondents

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W.P.No. 24432 OF 2004

O R D E R :

1. This writ petition has been filed by Mahindra Nisan Allwyn Ltd., presently Mahindra and Mahindra Limited represented by its Assistant Manager (Operations) assailing the order dated 17-12-2004 passed by the Commissioner of Appeals in C.C.L.A.No. TT1/1527/2004.

2. The petitioner filed an appeal before the Revenue Divisional Officer assailing the notice issued by the Mandal Revenue Officer, Zaheerabad, dated 18-8—1993 in letter No. C/3486/93 in response to the Collector Medak letter No. C4/15464/90, dated 29-06-1993 for recovery of Rs. 56,40,986-75 under R.R.Act. The appeal filed by the petitioner ended in dismissal by order dated 25-10-2004. The relevant portion of the order passed by the Appellate Authority reads as follows:-

> "*Under Section 22 of sick Industrial Companies Act, 1985 any liability due by a sick industrial company can be recovered from it with the approval of BIFR. The enhancement of compensation for lands acquired and put in possession of the company, in this case constituted a liability on the company. On application made by the State Govt. the BIFR vide their lr.No. 17(2)/4/B-1/BIFR/MM/90, dated 11-5-1993 permitted the State Govt. to proceed to take action against the company for recovery of amount due from the said company.*
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> *In view of the above facts, the respondent herein i.e. M.R.O. Zahirabad has been taken corrective steps as per rules. Accordingly, the appeal filed by the appellant is disallowed and liable for recovery of out standing amount due to the Govt. and no merits to consider the amount to refund the appellant as requested. Further, it is order that the M.R.O. Zaheerabad is liberty to go ahead for recovery of due amount from the said company by adopting with coercive method".*

3. The petitioner challenged the order passed by the appellate authority by filing a revision before the Commissioner of Appeals and also moved application for stay. The said application filed by the petitioner came to be rejected by the Chief Commissioner of Land Administration, Hyderabad-1st respondent by order dated 17-12-2004 vide C.C.L.A.NO.TTI/1527/2004. Hence, this writ petition.

4. Counter affidavit has been filed by the respondents.

5. Heard learned counsel for the parties.

6. Learned counsel for the petitioner submits that the Government has withheld the amount of the petitioner to a tune of Rs.48,83,008/- and same is required to be adjusted towards amount demanded by invoking the provisions of R.R.Act.

7. Learned Government Pleader for Land Acquisition appearing for the respondents controvert the assertions made by the learned counsel for the petitioner.

8. Even accepting the contention of the learned counsel for the petitioner, still the petitioner has to pay about more than Rs.9,00,000/-.

9. In the circumstances without going into merits of the rival contentions of the parties, I deem it appropriate to dispose of the writ petition directing the revisional authority to dispose of the revision within six weeks from the date of receipt of a copy of this order. Pending the revision, there shall be stay of the order passed by the appellate authority subject to the petitioner depositing Rs.10,00,000/- (Rupees ten lakhs only) within three weeks from the date of receipt of a copy of this order. No order as to costs.

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Justice B.Seshasayana Reddy

28th January, 2006

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W.P.No. 24432 OF 2004

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